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October 13, 2016

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**VIA ECF**

The Honorable Sandra L. Townes  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Abraham Kaff et al v. Nationwide Credit, Inc., No. 1:13-cv-5413***

Dear Judge Townes:

We represent Defendant Nationwide Credit, Inc. (“Nationwide”) and write as a follow up to the discussion with your office on October 11, 2016. In advance of the Fairness Hearing scheduled for tomorrow, we report that the issues raised in Nationwide’s filing of October 7, 2016 (Dkt. No. 56) have been resolved.

First, as to the execution of the settlement agreement, it has been completed. Second, on the October 11, 2016 call, Class Counsel agreed that there had been a typographical error in the recitation of the *cy pres* mechanism in their Memorandum in Support of Final Approval (Dkt. No. 55), and that *cy pres* should be handled as per the settlement agreement.

Finally, Nationwide and the members of the Class Counsel team with putative opt-outs have reached an agreement regarding how to move forward, which includes settlements, subject to documentation, with all the clients of Counsel Litvak, Maximov and Fishbein who received settlement notices and would otherwise be part of the class. These are:

Alexander Schaechter  
Ari Hofstatter  
Eli Reifer  
Ephraim Steinwurz  
Fernando Gonzalez  
Galina Sergeeva  
Igor Lubavsky  
Judah Yablonsky  
Miri Brecher  
Rachel Freilich  
Sarah Podrigal  
Shloime Spira  
Yitzchok Stern

October 13, 2016

Page 2

Max Green  
Eli Schwartz  
Sarah Weiss  
Mendy Banda  
Yeksiel Weingarten  
Sholem Weber  
Abraham Wegh<sup>1</sup>

There are three remaining individuals who were identified by Class Counsel in the context of opt-outs: Harry Schwarz, Louis Landau, and Moshe Perlstein. Two of these individuals were sent letters in New Jersey and Nationwide does not believe the third received a pertinent letter. None of the three were noticed as part of the settlement, and, thus, they do not need to submit opt-out requests for this New York class. In any event, the parties have agreed that these three individuals are not part of the class.

Finally, as to the single late opt-out request submitted to the settlement administrator, Nationwide will waive its objection if all other issues are resolved.

Respectfully submitted,

*/s/ Joseph L. Noga*

Joseph L. Noga

cc: Class Counsel (via ECF)

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<sup>1</sup> Please note that the opt-out requests for the following individuals were not submitted to the settlement administrator, and, accordingly, their names do not appear on the list of 28 timely received opt-out requests submitted with the declaration of Amy Tadewald of Rust Consulting, Inc. (Dkt. No. 55-1): Max Green, Eli Schwartz, Sarah Weiss, Mendy Banda, Yeksiel Weingarten, Sholem Weber, and Abraham Wegh. The parties have reached agreement that the number of timely-submitted opt-out requests is 35, which includes these individuals.